

[Dr. T. S. S. Rajan] [19th November 1948]

I communicated the result to the hon. Member and said that I could not permit him to move the motion. That is all that I have got to say with regard to this motion."

DR. V. K. JOHN :—" Sir, I do not wish to intervene in this domestic quarrel."

THE HON. DR. T. S. S. RAJAN :—" There is no domestic quarrel. It is all a matter concerning the procedure in the House. I want to assure Dr. John that we have no domestic quarrel as such in this House. We all have differences of opinion, and every member is entitled to give free expression to his opinion. Since the hon. Member mentioned that he sought my permission, I informed as to what had happened so that the members might know it."

DEPUTY PRESIDENT :—" The House will resume discussion of the Zamindari Bill."

GOVERNMENT BILLS.

IV.—THE MADRAS ESTATES (REPEAL AND CONVERSION INTO RYOTWARI) BILL, 1947 (L.A. BILL No. 37 OF 1947)—*cont.*

* SRI R. SURYANARAYANA RAO :—" Mr. Deputy President, Sir, as I sat listening to the speech of the Hon. Minister for Land Revenue, who was good enough to explain the provisions of the Bill as introduced, as amended in the Select Committee and as adopted in the Legislative Assembly, I could not help feeling that between the date of introduction and the date on which the Select Committee Report was signed, he had fallen victim to a number of influences which, if he had been wise, he could have avoided. The original Bill contained only twenty-five clauses and proceeded on principles which have been modified considerably by the report of the Select Committee and to some extent by the proceedings of the Assembly."

11-45
a.m.

THE HON. SRI KALA VENKATA RAO :—" I would like to know what the principles are that have been modified."

* SRI R. SURYANARAYANA RAO :—" Sir, if you read the clause relating to the main principles of the Bill as passed by the Select Committee, you will find the following in clause 1 (3) :—

'It applies to all estates as defined in section 3, clause (2) of the Madras Estates Land Act, 1908.'

Let us read it as it is passed by the Assembly, which runs as follows :—

'It applies to all estates as defined in section 3, clause (2) of the Madras Estates Land Act, 1908, except inam villages which became estates by virtue of the Madras Estates Land (Third Amendment) Act, 1936.'

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"Sir, I must also in fairness say that the Hon. Minister for Revenue was good enough to explain to us what his personal views were in regard to inams. But what I should like to point out is this . . ."

THE HON. SRI KALA VENKATA RAO :—"Sir, the hon. Member has used the plural term 'principles', but he was able to point out only one principle which has been altered by the Assembly. I should like to know from him, in what other respects have the main principles of the Bill been altered by the Legislative Assembly."

* SRI R. SURYANARAYANA RAO :—"I will come to that later, Sir. But here the fact that you are introducing a number of institutions, and removing the protection given under the present Estates Land Act, is certainly an alteration in one of the principles of the Bill. Sir, I should like, in this connexion to read the Resolution which was adopted in this House on this subject, brought in by the Hon. Mr. Karanth and I am referring to this because, in the Statement of Objects and Reasons given at the time of the introduction of this Bill, the Hon. Minister for Land Revenue referred to this particular resolution passed in this House. That Resolution reads as follows :—

That this Council accepts the principle of the abolition of the zamindari system in this Province and recommends to Government legislation for it providing for payment of equitable compensation to zamindars and other intermediaries whose rights are to be acquired, be brought forward at an early date.

"Sir, I should like to emphasise the fact that the Government by bringing forward this Resolution wanted to seek the assent of this Council to frame legislation to do away with the zamindari system. At that time, I interposed and asked the Hon. Mr. Karanth what he meant by the terms zamindaris and intermediaries, and I also quoted to him some portion of the Report of the Prakasam Committee and asked him if under the Zamindari Abolition Bill which he has proposed all those are covered. I must confess, Sir, that I did not receive a straight answer at that time. As regards his idea of the term 'intermediaries' also, I must say, that I was very much disappointed. But with regard to the question of inams, to which my hon. Friend Mr. Bhima Rao referred yesterday, the Hon. Mr. Karanth did agree that according to him, the position of the ryot under the inamdar was as bad as that of the tenant under the zamindar, and that he would, if the Council so desired, add them also in the legislation that he proposed to bring forward. Sir, I should like to read the relevant portion of the speech he made at that time, because my

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hon. Friend Mr. Bhima Rao yesterday made out a point that Mr. Karanth at the time when he introduced the Resolution was not in favour of including the inams under the proposed Bill. The Hon. Mr. Karanth said—

'This resolution refers, so far as I am able to see, to all the zamindari areas. As regards inams, if the conditions are similar there, and if it is the desire of the House, they too might be included. Personally, I found the condition of the cultivator in inam villages to be worse than that of the zamindari area.'

Therefore, Sir, I am thoroughly disappointed that the Hon. Minister for Land Revenue has not brought in all the inams but has removed certain class of inams out of the purview of this Bill.

"My point is, if he wants to exclude inams and to bring in a separate legislation dealing with them, then let him exclude all inams from this Bill or include all of them here. Why treat a particular set of inams in a particular way and another set in another way? Why should the Hon. Minister for Revenue be a party to this compromise? In the original Bill he made no exceptions, but now he has included a certain class of inams and this I submit is a compromise.

"Sir, I am also surprised that the question of intermediaries has also not been tackled properly in this legislation. The original Resolution said that it was the intention of the Government to promote legislation which would also tackle the intermediaries that existed between the zamindar and the actual cultivator. It was with that object in view, that he has introduced the words 'Legislation providing for payment of equitable compensation to zamindars and other intermediaries, etc.' in the Resolution. Now, Sir, as he explained the provisions of the Bill yesterday, the Hon. Minister for Revenue was only thinking of the zamindar or the landholder.

"This question of intermediaries was also raised by me when the above resolution was discussed in this House. My question then was, whom he considered as intermediaries. I did not doubt the fact that when he meant zamindars and other intermediaries, he had in mind all the intermediaries below the zamindars: but now I find that this Bill does not seek to deal with them at all. In fact, my hon. Friend the Revenue Minister who sheds so much tears for the poor cultivator is practically placing the cultivator under the many intermediaries that exist at present. Can he say that in all the zamindaris, there are now no intermediaries between the actual cultivator and the zamindar now? He quoted some figures yesterday and said that he caused some enquiries in the districts to be made to find out what was the percentage of actual cultivators and that it was found that only 60 per cent were actually cultivating the land. Sir, we have been saying that the existence of all intermediaries, be it the zamindar

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or anybody else, above the actual cultivator is the cause of much distress that prevails in the rural areas. Unless we make the cultivating tenant feel that he possesses all the incidents of ownership and assure him that he would be allowed to enjoy, as in the case of the ryotwari pattadars, that so long as he cultivates the land, he has the right of alienation and other rights, unless and until that position is accorded to the cultivating tenant, there will be no prospect of any improvement in our agricultural economy, both in the ryotwari and in the zamindari areas. My hon. Friend the Minister for Revenue has always been telling us that he is going to bring forward another piece of legislation, a comprehensive land revenue legislation dealing with all aspects of the subject. If so, why create a system now, which you are going to abolish? He himself says that he is anxious to bring forward some such legislation with regard to ryotwari tenants. Then why not introduce in this legislation itself, the reforms which he proposes to effect in respect of the ryotwari tenants, and why not remove all the intermediaries and ensure the position of the actual cultivator? Perhaps he might say that some Agrarian Reforms Committee is sitting and that he must await its report. Then why did he state in the original Bill in the Statement of Objects and Reasons that the working committee pointed out that such reform involved the removal of all intermediaries between the peasant and the State and that the rights of such intermediaries should be acquired on payment of equitable compensation? Will the Bill as it has been passed by the Legislative Assembly achieve this purpose? He himself confessed yesterday in answering certain questions put by our leader that it did not. It only tries to remove one man and in effect safeguards the rights of all other intermediaries. The result of this measure is, to my mind, not the safeguarding of the rights of the cultivating tenant, but the safeguarding of the interests of all intermediaries."

THE HON. SRI KALA VENKATA RAO :—“ Sir, the hon. Member is always fond of using plural terms in criticizing the provisions of the Bill. I should like to know from him, how many intermediaries are there between the occupancy ryot and the gentlemen from whom he wants to transfer the rights? ”

SRI R. SURYANARAYANA RAO :—“ I am only asking the Hon. Minister for Revenue whether he has carried out in this Bill as it has been passed by the Legislative Assembly, all the things which he has stated in the Statement of Objects and Reasons to the original Bill. That is my point.”

THE HON. SRI KALA VENKATA RAO :—“ My hon. Friend Mr. Suryanarayana Rao has simply mentioned the Congress Working Committee's election manifesto, which was referred to in the Statement of Objects and Reasons. If he had attended the meeting of the Working Committee and understood the liberal interpretations they had given to the term intermediaries, he would have known whether the object of the Working Committee

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has been carried out or not in this Bill. Judged from their point of view, I say that it has been carried out in this Bill. My hon. Friend apparently does not know what happened in the Working Committee and that is why he is asking this question."

SRI R. SURYANARAYANA RAO :— Sir, I have not had the privilege of being a member of the Congress Working Committee or to attend their meeting to have understood what their object was, but as the language of the Bill stands and as we understand it on a mere reading of it, we find that their object has not been carried out in this Bill. The words used here are, 'the removal of all intermediaries between the peasant and the State.' By 'peasant' they meant the actual cultivator. If the Working Committee had gone back upon this and if the Hon. Minister for Revenue was abiding by the wishes of the Working Committee in having shaped the Bill in the form in which it now stands, we are not bound to agree with what he says, and we are perfectly entitled to criticize the Bill from our point of view.

Then, Sir, let me come to the question of the quantum of compensation. My hon. Friend the Land Revenue Minister has arrived at this formula in a curious way. What did he say when he introduced the Joint Select Committee's Report in the Assembly? On page 620 of the Proceedings of the Assembly of the 4th September 1948, the Hon. Minister for Revenue is reported to have said—

In the matter of awarding compensation, we have been warned that the award of an illusory compensation to the zamindar is liable to be questioned with success in a Court of Law under section 299. Therefore what compensation we have to pay must be at least not illusory.'

It is only to satisfy section 299 of the Government of India Act, 1935, that the Hon. Minister is anxious to provide compensation, and not because he is satisfied that the zamindar deserves any compensation. He went on to state, 'We have taken advice from many experts in the matter and we have been told that the award of Rs. 12 crores as compensation for all zamindaris cannot be deemed to be an illusory amount. Therefore, in order to arrive at round about the Rs. 12 crores, we have to fix up a basic annual sum by the multiplication of which we will have to arrive at this Rs. 12 crores.' Thus you will see, Sir, that the sum of Rs. 12 crores which is the estimated compensation has been arrived at not on any principle, but simply to get over the objection under section 299 of the Government of India Act. The Hon. Minister for Revenue thinks that that Rs. 12 crores compensation is not an illusory figure and so he frames his scheme to cover this amount. Sir, if you read the whole paragraph of the speech of the Hon. Minister for Revenue as to how he arrived at the basic sum and the total of the compensation, you will be surprised to know that he is proceeding on an arbitrary basis and not on right lines. Sir, I am one of those who believe that the zamindar, being only a rent collector, is not entitled to any compensation. But when you

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have decided to give equitable compensation as per the resolution passed, what is the principle on which that equitable compensation should be based? Instead of basing it on some sound principle, you want simply to overcome the objection under section 299 and adopt any formula that suits you. Perhaps it might be that some zamindars have threatened that they would take the matter to the High Court or to the Federal Court and that is why you have fixed Rs. 12 crores as the maximum amount, because that is not an illusory figure. I do not think, Sir, that it is fair either to the zamindar or fair on the part of the Government to fix compensation on that basis. What I would suggest is, by all means lay down certain principles and leave it to an *ad hoc quasi-judicial* Committee to decide what should be the quantum of compensation in each case, because, from what I have read from the Report of the Prakasam Committee, there seems to be a history for each zamindari or at any rate for every large zamindari.

“Then, Sir, one curious feature which I find and which I thought my hon. Friend, Mr. B. Narayanaswami Nayudu would refer, is clause 39 of the Bill. What does it say? It gives complete power to the Board of Revenue to settle the basic sum and the total amount of compensation and there can be no appeal. Clause 39 (7) reads like this:

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‘No order passed by the Director under sub-section (1) shall be liable to be cancelled or modified except by the Board of Revenue as aforesaid or to be questioned in any Court of Law; and no order passed by the Board of Revenue under sub-section (5) or (6) shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any Court of Law.’

So, Sir, the Board of Revenue is made the final authority and the Tribunal will only come in to divide the compensation. I feel, Sir, that once the Government have decided to give compensation it should not be left to the executive authority alone to fix it finally. They have given compensation because they feel they are taking away certain rights from those who now possess them. Otherwise, there will be no question of compensation. Having decided to give compensation, it is but fair that it should be done as in the case of the Land Acquisition Act. If the award under the Land Acquisition Act is not satisfactory, the party is allowed to go up to the High Court. Why should not the zamindars who feel that they are being deprived of a valuable right, because they think they are proprietors, have the same right? Anyhow, to please them, the Government are giving compensation. Let them be given an opportunity to go to the highest court of the land in order to contest whether the quantum of compensation is satisfactory or not. I would like that point to be considered, Sir.

“I wonder, Sir, whether my hon. Friend, the Hon. Minister for Land Revenue has read the Famine Enquiry Commission's Report or what is called the Report of the Woodhead Commission.

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That Commission went into the whole question of the land tenures and the Madras Government also let in evidence before that Commission. They went into the whole question and found that from administrative and financial points of view it would be difficult to abolish the zamindaris within a reasonable period of time. They took up the question of survey and settlement and they came to the conclusion that it would take 30 years taking Bengal as an example. I think it may take 10 to 20 years in this Province. Then, on the question of compensation they found out that it would be very difficult for any province, unless it was prepared to sacrifice other development schemes, to find the necessary funds to pay the compensation, whatever it may be. Therefore, they suggested certain reforms by which the position of the ryot, the actual cultivator, could be improved. I hope, Sir, my hon. Friend will not be compelled to come before this House with a measure of that kind, for I feel the danger that this will be a dead letter, is all the more now than it was when he introduced the Bill. As I am anxious, Sir, that the cultivator should be protected and as it is the Hon. Minister's object also, I wish he envisages the danger of this Bill becoming a dead letter.

"I would like to read to him an extract, but as he may be already aware of it he may not like me to read it. May I ask, Sir, whether the Government of India were consulted, in what form the Provincial Government should pay this compensation? Here I wish to read an extract, Sir, which runs as follows:—

'The whole question of compensation was referred to the Federal Advocate-General who has advised that the payment of compensation even in the form of negotiable bonds would be ultra vires. Section 299 (2)'

THE HON. SRI KALA VENKATA RAO :—"Is it a published document?"

SRI R. SURYANARAYANA RAO :—"It is an extract from the 'Capital' of Calcutta, dated November 11th. If the Hon. Minister wants he can read it. I do not know wherefrom its New Delhi correspondent got it."

DR. V. K. JOHN :—"It only shows that the Hon. Minister is not up to date."

THE HON. SRI KALA VENKATA RAO :—"I have got the original document, Sir. I only wanted to know the source from which he got it."

SRI R. SURYANARAYANA RAO :—"This is an extract from the 'Capital' of Calcutta, dated November 11, 1948."

DR. V. K. JOHN :—"He has given the information but I would not have given it."

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SRI R. SURYANARAYANA RAO :—“ The extract reads :
The whole question of compensation was referred for opinion to the Federal Advocate-General who has advised that the payment of compensation even in the form of negotiable bonds would be ultra vires of section 299 (2) of the Government of India Act, as a bond is only a promise to pay and might, therefore, be distinguished from an actual payment. Payment of compensation in non-negotiable and non-transferable bonds (because that is also an idea which my hon. Friend has in his mind) in his opinion, would be open to still greater objection. It would seem, therefore, that if the Provinces are to proceed with the zamindari abolition, the schemes will need radical revision, and it might be well for them first to implement it by trial in selected localities. It is important, however (because my hon. Friend has an idea of putting his hands into the reserves) that if a compensation is paid in cash in such instances the amount is not drawn from the Provincial Reserves, but met from current revenues.’

Sir, I have heard some Hon. Minister of this Government telling somewhere, I do not remember who it is, that ‘ we have got Rs. 20 crores as reserves and we will take 12 crores out of it and pay the compensation.’ That is why, Sir, I wanted to read this extract. I cannot vouchsafe for the correctness of it. But I can say, Sir, that it is taken from a well-known journal, namely, the ‘ Capital ’ as I said already. The Hon. the Minister for Revenue may possess the original opinion of the Federal Advocate-General. If that is the trouble about the payment of compensation, why go through this Bill to find in the end that it is only a dead letter? Sir, yesterday the Hon. Minister quoted Mr. Winston Churchill in support of his reform. May I also say, Sir, in the words of Mr. Winston Churchill ‘ This will become a sad story of complicated idiocy in the making of which much toil and virtue were consumed.’ I know how the Hon. the Minister for Revenue has worked for this reform and how he has been anxious and after all it may end as ‘ a sad story of complicated idiocy.’ People may consider us as people who have no sense of responsibility in passing a legislation of this kind at a time like this when there is section 299 in the Government of India Act. Sir, even in the Draft Constitution similar provisions like section 299 are reproduced. What is the purpose? (Interruption.) Not that I am against the reform, Sir. I am for all agrarian reform. But this will only satisfy the conscience of the Hon. the Minister for Land Revenue to go to his constituency or go out into the country and say : ‘ I passed this Bill. What can I do? ’”

THE HON. SRI KALA VENKATA RAO :—“ The hon. Member has no constituency, Sir, and therefore he can attack it on that line.”

SRI R. SURYANARAYANA RAO :—“ I said, ‘ go out into the country ’ also Sir. The Hon. Minister will say : ‘ There is this

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legal lacuna. Section 299 of the Government of India Act prevents me unless I put my hands into reserves.' Sir, these reserves are meant to be used for development schemes and no one can use them for this purpose. If that proposition comes here, we on this side of the House will certainly raise our humble voice of protest. These reserves are not meant for this purpose. They are meant for development schemes. They cannot sacrifice all development and use the reserves for this purpose. That is the point that I wanted to make, Sir.

" My Hon. Friend must thank me that I have pointed out all these difficulties. It is not my object to prevent him from achieving what he thinks is good. We are all one with him, if he would only attempt to do away with all the intermediaries, as we propose to do by moving an amendment, and if he would accept that amendment and get rid of all these intermediaries, and then there would be only the cultivating tenant and the Government in the zamindari areas. If he fails to carry out his object, it would not matter. It looks as though my Hon. Friend, the Revenue Minister, does not want to touch the intermediaries though in the beginning that idea was there, because the quantum of compensation will increase. In the United Provinces, a Committee was appointed which has reported on the question of compensating the intermediaries as well, because they interpreted the election manifesto of the Working Committee in the way in which it ought to be done. They interpreted that not only the zamindars but all intermediaries should go. How best to get rid of them and what is the quantum of compensation to be paid to each intermediary is the question because there may be more intermediaries than are in many cases. In Bengal, I am told there are a large number of intermediaries. There they went into the whole question and they have produced a report. Naturally, the amount of compensation to be made, if all the intermediaries are taken into account is much larger than Rs. 12 crores, the estimate which my Hon. Friend, the Hon. Minister for Revenue, has put down. Sir, my Hon. Friend yesterday in reply to a question put by our Leader, the Leader of the Opposition, stated : ' We are not going to ask these intermediaries to pay anything towards the right which we are conferring.' Then who is to pay? It is the Government that must pay. Why? It is said : ' These intermediaries have been rack-rented so long, for more than 100 years. Why should they be asked to pay anything for a right which they are getting? ' Sir, now the intermediaries are to get a right. And the Hon. Minister wants to serve them and prop them up by paying this Rs. 12 crores whom he wants to get rid of later on. Is it fair to the community, I ask. If he at least recognizes that these intermediaries should exist and says : ' They have a right to exist and we want to prop them up and for that we are spending Rs. 12 crores ' I can understand. But he has his sword ready as he says. He pleaded with the Hon. the Leader of the Opposition : ' Allow me to go on. Free me as soon as possible. I will deal with these inamdars and the intermediaries.' So, to do away with a system he wants us to pay and purchase that system which we are going to abolish very shortly. I am sure it may not be Rs. 12

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crores exactly, it may be less or it may be more. And what is the return he expects? In the course of the debate in the Assembly, he said, he expected a land revenue of Rs. 1 crore of which, he said yesterday, Rs. 50 lakhs were to be utilized in maintaining the staff which he proposes to appoint”

THE HON. SRI KALA VENKATA RAO :—“ My hon. Friend is making the same mistake the ‘ Madras Mail ’ made. What I said was 10 per cent of the reduced ryotwari rental which is Rs. 15 lakhs and not Rs. 50 lakhs.”

* SRI R. SURYANARAYANA RAO :—“ I do not know if all the newspaper reporters have reported wrongly.”

THE HON. SRI KALA VENKATA RAO :—“ I referred to the 12-15
other papers also where they said only ten per cent of the reduced p.m.
rent. They have reported correctly. Even the ‘ Mail ’ reported that. In the mathematical calculation, it is missed.”

* SRI R. SURYANARAYANA RAO :—“ For the establishment, I think, the Hon. Minister said that fifty lakhs will be required. I hope, Sir, more money will be available to Government.”

THE HON. SRI KALA VENKATA RAO :—“ The zamindari total revenue is Rs. 230 lakhs. We expect that it will be reduced to 115 or 116 lakhs. Of that, ten per cent comes to 15 or 16 lakhs.”

* SRI R. SURYANARAYANA RAO :—“ Anyhow, Sir, he has to spend such a large amount in order to bring them under the ryotwari system by the present reform. My Friend, the Hon. the Leader of the Opposition, at our instance, sent some questions and we are thankful to the Hon. Minister for answering them. No wonder, Sir, he said that he has no figures. Sir, this report containing the statement of land revenue for the fasli 1352, that is, 1942-43, is published in 1948 and we received it only ten days ago. Sir, such a huge revenue establishment is maintained to produce the report for 1942-43 in the year 1948. Is it any wonder then that the Hon. Minister has no figures to give us?”

THE HON. SRI KALA VENKATA RAO :—“ The wonder is that the gentlemen who were in charge at that time did not publish it and they are responsible for it.”

* SRI R. SURYANARAYANA RAO :—“ The proceedings of the Board of Revenue for 1943 was printed in 1948 and distributed to us only ten days ago. We received it along with the proceedings of the Legislative Assembly. If this is the manner in which the accounts are kept, it is no wonder the Hon. Minister is not able to give us the figures.”

THE HON. SRI KALA VENKATA RAO :—“ That report refers to the Adviser's regime and if they have not published the report, it is not my mistake. You will have the 1947-48 report very soon.”

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DR. V. K. JOHN :—“ In 1958 !” (Laughter.)

THE HON. SRI KALA VENKATA RAO :—“ Only after the Budget year, the figures are finalized and we will publish the report for this year next year.”

* SRI R. SURYANARAYANA RAO :—“ I would like to bring to the notice of the Hon. Minister that Government should be more up to date in their figures so that when a question is put in the Council, he can give up-to-date figures. May I add there has been more than one Budget since 1942-43.”

THE HON. SRI KALA VENKATA RAO :—“ Even to-day, we cannot give up-to-date figures with regard to the extent of the zamindaris because the zamindaris were not surveyed. We have to survey them only after this Bill is passed.”

* SRI R. SURYANARAYANA RAO :—“ The Hon. Minister could have given the figures as per the census of 1881. Now, Sir, here, in this report which I have mentioned, there is a statement showing the approximate area in fasli 1352, that is 1942-43; it gives us the extent of acreage cultivated and cultivable and also the uncultivated area. The total extent is 12,842,238 acres.”

THE HON. SRI KALA VENKATA RAO :—“ That is what I said yesterday.”

* SRI R. SURYANARAYANA RAO :—“ The Hon. Minister has said that. Therefore, Sir, he can give us those figures instead of saying that there are no figures and then say the figures are not up to date. It is true he is not responsible for that. That is by the way. We would like to have up-to-date figures in order to see what is likely to be the quantum of compensation. The quantum of compensation is not going to be based on peishkush; we should know the compensation that is payable because it is not based on peishkush. Sir, there is no need for figures either of acreage or of the estimated revenue realized by the zamindars, if the quantum of compensation is to be fixed on the basis of peishkush. Because the quantum of compensation is to be fixed on a basis different from peishkush, we would like to know the position. I would have seen the principle if compensation based on the peishkush is only given to the zamindars. But the basis is different. It has been well explained in the Select Committee report. It says :

‘ The reasons for adopting this basis are as follows : What happened at the Permanent Settlement was that the annual value of the estate was worked out as accurately as possible with reference to the village accounts then available ; two-thirds of the figure so arrived at was generally fixed as the peishkush due to the Government. The balance of one-third was left to the landholder as recompense for the trouble of collecting the land revenue.’

Sir, this peishkush is forty-seven lakhs and this forms two-thirds. The balance of one-third was left to the landholder. So, what is

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the difference between the compensation if according to this principle the compensation is paid and if it is paid on the basis of the Bill? Sir, the Hon. the Revenue Minister wants to give twelve crores. I feel, Sir, when the Minister is taking away a valuable right from the zamindars and gives them this amount, the Hon. Minister for Revenue is their best friend. Because, anybody who goes through the previous records regarding these zamindaris would not have agreed to give more compensation than what they are entitled to on the basis of peishkush. But, the Hon. Minister has been more generous. He has been more generous at the expense of the general tax-payer. Therefore, I feel, my Hon. Friend, the Hon. Minister for Revenue, need not have yielded to the importunities to exempt any inam and need not have taken all the trouble of pushing the Bill through the two Houses, unless he was sure that he would be able to get rid of the intermediaries also. I wish he had not propped up the intermediaries. Once you create such a system, it would become entrenched and it will be difficult to uproot it. Now we are giving legal sanction to the existing intermediaries. With these remarks, Sir, I wish to say that the Hon. Minister for Land Revenue would have done better if he had simply brought forward the original Bill with only twenty-five clauses and I wish he had not yielded to the importunities of either the 1936 inams or any others but left the compensation to be based on an equitable basis by an *ad hoc* judicial committee. Such a judicial committee should decide what is to be the compensation in respect of the zamindars instead of saying thirty times one thousand and $12\frac{1}{2}$ times one lakh and so on. With these words, I close my remarks."

* DR. V. K. JOHN :—“ Mr. Deputy President, Sir, my congratulations and my sympathies are with the Hon. Mr. Kala Venkata Rao. I congratulate him on his sincere efforts to pass this Bill in which, I have no doubt, he believes. I sympathise with him as he could not clear a cloud from his mind, a cloud created by influential intermediaries in expropriating the zamindars and rack-renting the actual cultivator. I wish he could have brought forward a comprehensive legislation in keeping with the resolution of the Working Committee of the Congress, a legislation which would have protected the cultivator. Sir, he made tall claims in the other House that this Bill when passed into law, will increase the food output and will help the cultivator. But after hearing many members in that House, particularly Mr. Karanth, who begged of him not to make that tall claim and after seeing the questions which we gave him yesterday, we see that the Hon. Minister gave up this claim in this House. He said that this is only the first step in agrarian reform and he will be bringing forward other new measures to help the cultivator. Sir, in the Statement of Objects and Reasons, he has stated that in the Election Manifesto which the Working Committee of the Congress issued in December 1945, it was urged that reform of the land system was urgently needed in India. The Working Committee pointed out that any such reform involved the removal of

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all intermediaries—I am emphasising the word 'all'—the removal of all intermediaries between the peasant and the State and that the rights of such intermediaries should be acquired on payment of equitable compensation. This is what the Hon. Minister who is responsible for this Bill quoted in the Statement of Objects and Reasons. Instead of following up the direction and the mandate of the Working Committee of the Congress, he has introduced a Bill which may produce quite another result. Sir, yesterday, I heard him quote Churchill. Sir, I have read the adage 'Devil quotes the scriptures'. (Laughter.) But I never expected a popular Minister to quote Churchill in this House. Sir, he quoted Churchill and said that he had also approved of the idea of this Bill being passed by the Madras Legislature expropriating the zamindars and rack-renting the cultivator, depleting the public revenues of this Province and enriching the intermediaries. Has Churchill any idea of what this legislation is? Still the Hon. Minister quoted Churchill. Now, Sir, my only hope is that when this Bill—and I am sure as this House is at present constituted, it will pass this House as well—goes up to the Central Government, they will see its disastrous consequences and say that it should not be put on the Statute Book, and they will try to have a comprehensive agrarian legislation to be put on the Statute Book and they will also have a uniform agrarian reform in all the Provinces. I am almost certain that in spite of the labours of the Hon. Minister and the time spent by the other House and the time now taken up by this House and the papers that are printed and wasted, this Bill will never be put on the Statute Book and will never be put into operation but I am quite sure that another law which will carry out the intentions of the High Command will be put into operation. Sir, I have made a special study of agrarian reform in all parts of the world and in my opinion the reform contemplated by the High Command is very very landable.

“ Now, Sir, what should be the primary objects of an agrarian reform? The first and foremost object of an agrarian reform is to produce the largest output from the soil. Then, Sir, the agrarian reform must help the tiller of the soil and the agricultural labourer. The third object must be to see that nobody is expropriated.

“ After carefully studying this Bill, I have come to the conclusion that the ultimate and immediate result of this Bill will be disastrous in many ways. First, it will deplete the public revenues of this Province to the tune of many crores of rupees. Yesterday in answer to a question, the Hon. Revenue Minister stated that the zamindars will have to be paid Rs. 12 crores, and the inamdars Rs. 5 crores by way of compensation, if this Bill is passed into law. But he was very carefull to add that he was uncertain about the figure. And as it happens very often in measures like this, the Government are groping in the dark. These Rs. 12 crores might be Rs. 20 or 30 or even Rs. 50 crores. (Interruption) or it might be less. But all the same there is a certain uncertainty. Sir, I shall be able to refer to figures and point out that the expenditure incurred in administering the properties taken over by Government,

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the interest on the capital expenditure in paying compensation might be very much more than the net revenues which they might get out of these estates.

“ Another result of the agrarian reform that is sought to be effected by this Bill will be to expropriate proprietors of the soil. Sir, I advisedly use the term ‘ proprietors of the soil ’ because the Legislature has called them as such, the courts of law functioning here for over a hundred years have called them ‘ proprietors of the soil ’. And I prefer being a lawyer, and I am proud to belong to that profession, to call them ‘ proprietors of the soil ’ because that is the terminology which has to be applied to these zamindars and other landholders. The very basis of this Bill amounts to a falsification of history and an ignorance of laws as it starts on the principle that the zamindars are only rent collectors, with no proprietary rights in the soil. The effect of this legislation will be to expropriate them to the tune of nearly Rs. 30 crores. And as a consequence, not only will these 2,810 zamindars, and 3,500 inamdars be impoverished, ruined, and driven to bankruptcy, but thousands of families that are dependent upon them will also be subjected to untold suffering, and will find themselves losing their jobs, and also difficult to maintain themselves.

“ Sir, I know something about this Province, and something about these zamindars. A very large majority of them are interested in running educational institutions, or other useful institutions of such a nature. Now if these are to be taken over by Government, the public who are served by them are likely to suffer.

“ A third and even more disastrous result of this Bill, when passed into law, would be to create conditions under which the poor cultivators of the soil, the actual tillers of the soil will be rack-rented and oppressed. Sir, every attention has been concentrated on the intermediaries, or on persons who are cultivators to-day but who will be intermediaries to-morrow. This Bill if passed into law will create a first-class agrarian problem in the very near future. Those ryots, some of whom are intermediaries to-day, and some of whom will become intermediaries to-morrow, will become rich and influential. They will find it useful and advantageous to have the land cultivated by somebody else. Dr. Subbarayan on whom I can rely, and who is a zamindar himself and has had some experience of public affairs in this Province, while speaking in the Lower House, said : ‘ It is true that the vast majority of common people should be helped and should be supported, but does he realize that instead of getting rid of the intermediaries he has set up a new class of intermediaries with vast lands, owning in some cases as many as 400 acres? I have tenants like that myself. (An hon. Member : There are people owning thousands of acres.) Yet I can only give instances within my knowledge. . . .’

“ Only very recently, we passed a legislation to reduce the rent paid by the ryot—i.e., the ryot under the definition of the term in the Madras Estates Land Act of 1908. And if this Bill also is passed into law, a new class of intermediaries will be created.

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When a man finds that it is advantageous to lease his lands, he obviously does so. So those ryots who are now freed from their obligation to the zamindars, and who are enriched at the expense of the public revenues of the Province, will within a very short time become landlords, because the economic law is such. When the lands were in plenty, and population sparse, the proprietors ran after men to cultivate their lands. But when population increased, and the extent of land remained the same, there was so much pressure of population on land. I will quote an instance from Malabar, where there are about 750 persons or more to a square mile. In 1930, only 5.6 per cent of them were themselves owners and cultivators of the land. The pressure of population on land was so much particularly for the reason there were no industries; and people did not care to cultivate land themselves; they only wanted others to cultivate the land. So a large number of intermediaries one below the other sprang into existence in Malabar. I do not know whether the figure continues to be 5.6 per cent even now. I think it must be very much less. Exactly the same thing will happen in other parts of this Province also. The new class of intermediaries will begin to oppress and rack-rent the poor ryots, since nothing at all is mentioned in this or in any other Bill that we have so far passed, about what should be a fair rent. It is the experience of everybody,—and I am sure it is within the experience of the Hon. Revenue Minister also—that it is not the zamindar or the big landlord that rack-rents, and oppresses these tenants, but it is only the small men that rack-rent the cultivator. Is there one provision in this Bill at least, to fix a fair rent for the cultivator? Even in the Rent Reduction Act, nothing is mentioned in respect of that, but there is only an attempt to reduce the rent payable by the ryot who has got an occupancy right, to the ryotwari level, not to reduce the rents payable by persons who have no such occupancy rights in parts of this Province, other than Malabar. In Malabar, the situation was so bad that we had to pass an Act under which a fair rent had to be fixed and security of tenure given so that even the ordinary tiller of the soil, i.e., the verumpattamdar under the kanamdar, even the last man got security of tenure. The question now is this. Is there such a security of tenure for the cultivator who is not the owner, in other parts of the Province? Is a fair rent fixed? Persons who have got occupancy rights, will, with the rent reduction, and the abolition of zamins and inams, constitute a powerful and influential section of the population. Some ten years ago, it suited the politician to have his support, because he was an influential man. And he was the voter who elected the members that constituted the Prakasam Committee. But in the next Constitution that will immediately follow, they will find that somebody else is the voter, as a result of the introduction of adult suffrage. Sir, there is a cloud of uncertainty in the mind of the Hon. the Revenue Minister, who is unable to wipe off these intermediaries and who is helping that influential intermediary class of people, i.e., the ryots with occupancy rights. But he is helping them at the expense of the zamindar, and the actual cultivator, and the general tax-payer, whose money he wants to shell out.

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" Sir, I would only reiterate what I have stated already, that this Bill will plough the field ready for the growth of Communism in our Province, because when the peasant, the actual tiller of the soil, is rack-rented and oppressed, depressed and subjected to suffering, he will certainly be carried away by the agitators who will tell him that the best way to improve his lot would be simply to squat on the land, without paying any rent to the owner of the soil. That is sure to happen within a very short time. In fact, that began to happen in Tanjore some time ago. And it will happen in other parts of this Province too. What the Hon. Revenue Minister should have done, if he had had any idea of the fundamental principles which are to guide an agrarian reform he should have brought in a measure which would have made the actual tiller of the soil its proprietor, created an independent peasantry cultivating its own land, fixed a minimum for the agricultural labourer, and given some waste lands to the labourer for cultivation.

" Sir, it seems to be the object of Government to-day to distribute patronage to a few persons, whom they can appoint as Managers, Directors, or Settlement Officers under this Bill, when passed into law. Not only in these appointments, but even in the matter of distribution of the lands of which they take possession, they can exercise their patronage. My hon. Friend Mr. Narayana-swami Naidu explained at length how the Bill does not even benefit the ryot. The Government are taking possession of all lands, free of encumbrances. It has expropriated not only the zamindaris but also their creditors. They can take up the lanka lands and the other lands and they can distribute them—I do not say—to political sufferers but they can distribute them to their friends and favourites. They will also keep these men waiting so that they may not exhaust the patronage and for many years to come the Government in power will have in their hands a source of patronage unparalleled in the history of the administration of this Province. They will have at their disposal thousands and tens of thousands of acres of lands and jobs.

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" The Hon. Minister the other day was saying that he had come to the conclusion that the zamindar is not the proprietor of the land but that he was only a rent collector. There are two fundamental principles in law, one is certainty and the other is flexibility and a living law must be certain and flexible. In criminal matters the law must be certain at the expense of flexibility because the subject should know what is penal and what is not penal and also in matters of ownership of private property, the law must be certain and must err on the side of certainty and not flexibility. That is the law in all civilized countries, from the time of the Romans and even in our own ancient days. I wish to tell the non-lawyer members of the House that it is on this principle that the courts of law have enunciated a rule of law called *stare desis* that is even in cases where a wrong decision is given in respect of immovable property if that wrong decision was followed for thirty years, that decision must not be upset because based upon that decision, the property must have changed

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hands. That is the principle of law but here you see, Sir, that there is wrong reading of history and ignorance of law. (The Hon. Sri Kala Venkata Rao: I accept the latter.) He said that the zamindars are not proprietors of the soil but I wish to point out it is not so with reference to the Preamble to the Regulation of 1802 which was valid in law when it was enacted in 1802. The Preamble shows that before the British occupation of this country, Muslim and Hindu kings were interfering with the rights of private ownership and were appointing managers to take charge of their estates and they wanted to put an end to uncertainty regarding the ownership of immovable property and they provided in it that there shall no more be interference with ownership of private property and the zamindars and others are the owners of property. For the edification of hon. Members, I shall read the Preamble and what I am trying to insist and emphasize is that the Statute was valid and we are now trying to repeal it; if it was not valid, we need not repeal it now. If a valid law said that they were proprietors of the soil, how can Mr. Kala Venkata Rao say in this House of Legislature: 'I shall not accept what the Statute has said and what the courts of law have been saying all these hundred years; I have my own history which I have gathered from writings; can that be law and can he go with it before a court of law and say that the zamindars and other landholders are not proprietors of the lands. This is the Preamble :

" Whereas it is known to the zamindars, mirasdars, ryots and cultivators of land in the territories subject to the Government of Fort St. George, that, from the earliest until the present period of time, the public assessment of the land revenue has been fixed, but that, according to, the practice of Asiatic Governments, the assessment of the land revenue has fluctuated without any fixed principles for the determination of the amount and without any security on the zamindars or other persons for the continuance of a moderate land tax; that, on the contrary, frequent enquiries have been instituted by the ruling power, whether Hindu or Muslim, for the purpose of augmenting the assessment of the land revenue; that it has been customary to regulate such augmentations by the enquiries and opinions of the local officers appointed by the ruling power for the time being; and that in the attainment of an increased revenue on such foundations, it has been usual for the Government to deprive the zamindars and to appoint persons on its own behalf to the management of the zamindaris, thereby reserving to the ruling power the implied right, and the actual exercise of the proprietary possession of all lands whatever and whereas it is obvious to the said zamindars, mirasdars, ryots and cultivators of land that such a mode of administration must be injurious to the permanent prosperity of the country by obstructing the progress of agriculture, population and wealth and destructive of the comfort of

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individual persons by diminishing the security of personal freedom and of private property. wherefore the British Government, impressed with a deep sense of the injuries arising to the state and to its subjects from the operation of such principles, has resolved to remove from its administration so fruitful a source of uncertainty and disquietude to grant to the Zamindars and other landholders their heirs and successors a permanent property in their land."

I wish to lay emphasis on the words 'permanent property in their land' and now to continue—

"in all times to come, and to fix for ever a moderate assessment of public revenue on such lands the amount of which shall never be liable to be increased under any circumstances."

In conformity to these principles, an assessment shall be ... fixed on all lands liable to pay revenue to the Government and in consequence of such assessment, the proprietary right of the soil shall become vested in the Zamindars or other proprietors of land and in their heirs and lawful successors for ever."

"After providing by a Statute of 1802, that the proprietorship in the soil belongs to the zamindars, the Hon. Mr. Kala Venkata Rao tells this House and wants the House and the public to believe it is not so. He says: It is all trash, the Statute is trash; ignore the law; ignore the decisions of the courts of law; I do not call them proprietors; they are mere 'collectors of revenue' and this although a Statute has declared their rights in this direction."

THE HON. SRI KALA VENKATA RAO :—"The hon. Member knows that by adopting the resolution moved in 1939 by my hon. Friend the late Sri V. V. Jogayya Pantulu, and the majority recommendation of the Prakasam Committee the Legislature agreed to the decision that the zamindar is not the proprietor of the soil."

* DR. V. K. JOHN :—"The Legislature by a resolution cannot repeal an enactment and the enactment is still to-day in force and you cannot say that they are not proprietors and take away the lands from them. I say it is a wrong reading of the law; it is ignoring the provisions of the law. If you want to go to a court of law and ask for a declaration whether the zamindar is the proprietor of the soil, every court, every Judge of the High Court will say, 'He is the proprietor of the land'. Are we in order now to say that they have no such rights and we can take away those rights from them. To take away the proprietorship from him is one thing but to say that he is not the proprietor is misreading history, misreading law, misreading Statutes which have long been on the statute book. I am not against buying up the rights of the proprietors; I am not against it but I am against people saying on the floor of the House that the Statutes mean nothing. After all what is it that happened? What was obtaining in the

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pre-British period which the preamble condemned? Hindu kings and Nawabs took away estates and appointed their own men as managers. What are we doing to-day? What we are doing in this year 1948 is what was condemned in no uncertain terms in 1802. The Hon. Mr. Kala Venkata Rao must be taken as an incarnation of a Raja or Nawab in pre-British period as he is just doing what the preamble condemned. It is a most retrograde step that is being taken; it does not take us further but we are led back. We are driven back to the pre-British period when people were doing unjust things. The only excuse then may be that they were living in troublous times when there were so many wars and there was no rule of law. To-day we are in 1948 and why not we introduce legislation to buy all these proprietary rights and why this wrong reading of history; why this wrong reading of Statutes and the decisions of courts of law. We can say: These zamindars who are not cultivators are not functioning properly and therefore, we want to buy them up. When the Bill was introduced, you called them the proprietors but in the Select Committee it underwent many changes and that word was changed and it does no credit to a respectable body of legislators to ignore Statutes in force now; we ought not to ignore Statutes and we ought not to ignore the decisions of the courts of law. On the other hand we ought to respect them and do our best for the promotion of the welfare of the common man. I condemn the move of the Government. It is a matter of credit to the Britisher in that he was interested in keeping the empire and at the same time he was doing things step by step to assist the actual cultivator. After this Regulation of 1802 was passed, it was found that the landholders oppressed the cultivators and in 1822 they passed the interpretation Act. They said that their intention was that the occupancy cultivator should not be disturbed. That was our ancient law sacred to Indians and they always said so. When the Zamindar began to disturb the cultivators the Government at once said that it was not their intention and made it clear that the rights of the actual cultivators for occupancy should not be disturbed. A long period of time passed and in 1908 we had another tenancy legislation. There was rack-renting and eviction and insecurity for the cultivator, and to-day we are in 1948. Instead of realizing that the problem of food is most urgent and the rights of the actual cultivators should be protected and proceeding upon that basis, what are we now asked to do? Do what the princes and Nawabs did before the British period. They are leading the country and the members of this House back and they have gone beyond 1802 and now we have in the Hon. Minister an incarnation of a ruler of pre-British days. This crown should have sat on Mr. Prakasam who laboured hard for the expropriation of the zamindars without payment of compensation but political upset in this Province has passed the crown to my Hon. Friend Mr. Kala Venkata Rao who is here to carry out the very retrograde step, the disastrous results of which I have explained earlier."

The House adjourned for lunch to meet again at 3 p.m.

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(After lunch—3 p.m.)

DR. V. K. JOHN :—“ Mr. Deputy President, Sir, I shall now take up the thread where I left it before lunch. I was on the position that whatever might have been the historical fact, whether the zamindars were collectors of revenue or not, after the 1802 Regulation which declared that they were proprietors of the soil, there is no question of their proprietorship being doubted at all, because in all civilized countries, the Law relating to immovable property is that even if a wrong decision is given regarding immovable property, that wrong decision will stand if it has been in force for thirty years. Here there is a statute, in fact there are many statutes, decisions of Courts, etc., and therefore let us not go beyond 1802. You know that title to immovable property is perfected by adverse possession and limitation, for over a period of twelve years against private individual and sixty years against Government. If I am in adverse possession of land belonging to the Leader of the House and I am in adverse possession for over twelve years, then the Law says that I am the owner of the land and he is not the owner. Therefore, I say emphatically that it is wrong to contend that those who came under the 1802 Regulation are merely collectors of revenue and not proprietors of the soil which the Regulations of 1802 declared they were.

“ Then there is also another point to be considered. How many of the zamindars who were settled by the 1802 Regulation are to-day in possession of the estates? The estates have passed hands; people believing that they were the proprietors and relying on statutes and decisions of courts, have purchased their properties after paying hard cash. Can it be said for a moment that those purchases are invalid, that they do not get proprietorship of the land by purchasing land from people who were declared to be proprietors by a statute, the 1802 Regulation provided for free transfers. Then again, many have given loans on security of immovable property on the basis that they were proprietors; can the Government for a moment touch those who have purchased lands on that basis and those who have advanced money on the security of the immovable property? I say it is inexcusable on the part of any civilized Government or on the part of a Legislature now to say that people who were declared to be owners, people who purchased from them, people who gave money on the security of those estates, should all lose on account of some theory that before this Regulation was passed, they were actually collectors of revenue and not proprietors of the soil.

“ Having said that much about the zamindars, I want to say one or two words about inamdaris. In this Bill the zamindaris are clubbed with inams. That I think is a very wrong thing to do. There does not appear to be any understanding of the historical and legal position relating to inams. Inam means gift. Inams were granted for many things, either on a very low quit rent or on no rent whatsoever, mostly they were given to religious and

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charitable institutions for services already rendered or services which were expected to be rendered. At any rate, the Law said that these inamdars were proprietors of the soil. In the middle of the last century, a commission was appointed to issue title deeds to the inamdars and that commission investigated the title of inamdars because most of them had no written titles but only possession of the land. Although it was found later on that the titles issued by the Inam Commissioners were defective in some respects, still the fact is that inamdars were considered to be proprietors of the soil. The Privy Council in a case which went up in 1918 ruled that 'there is no presumption of law that an inam grant of a village is *prima facie* a grant of land revenue only.' Again, a later decision of the Privy Council in 1921 said: 'In the case of an inam grant, there is no presumption that both the varams were granted; where only the melvaram was granted, it is a question of fact to be decided on the circumstances of each case'. In fact, under the 1936 Amendment Act, certain investigations were made. What I am now trying to point out to the House is that there is no presumption that the inam is an inam for collection of revenue and there is no presumption that an inam is only for melvaram right and not the kilvaram right. One inam differs from another, and this Bill seeks to draw a line through all these inams which I say is very wrong. If this Bill had simply attempted to give ryotwari pattas to inamdars in possession of their land, there would have been no difficulty and no complaint whatsoever. Now, thousands of inamdars, most of them poor, are being deprived of their proprietary rights on the basis of a theory which is nonsensical in the extreme. The Government could have excluded all the inams out of the purview of this Bill and tackled only the zamindars or the big proprietors. There is no sense in excluding the 1936 inams. Of course the Hon. Minister said they are only excluded for the time being, that the matter is hanging fire and he would introduce another Bill very shortly dealing with the 1936 inams. But you seem to apply one rule to a variety of cases, a variety of zamindaris and inams which had their origin, not in one way but in many different ways. That, I think, is a wrong thing to do and it is doing injustice to many.

"I want to assure the House that in making these observations I am not arguing the case of the zamindar or the big proprietor of land in our province. Some of them at least are leading lives which no civilized society would appreciate, some of them are idle, and if I were an autocrat who could lay down rules, I would have made idleness an offence and every idle man if he did not attend to some work would have been caught and put into jail because he is a danger to society. Some of the zamindars and big proprietors make a vulgar display of their wealth and spend their time in seeking pleasure in hunting grounds, dancing halls and other places. I am not in the least in sympathy with them. They do no useful service to society and I am not pleading their cause; I am pleading the cause of the common man, the cultivator of the soil, the agricultural labourer.

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“ Now, having made my position clear, I want to say what this Bill now provides. It is not necessary for me to repeat what my two friends Messrs. Narayanaswami Nayudu and Suryanarayana Rao have said; I agree with them in every word they have said, every argument they have adduced. Mr. Narayanaswami Nayudu explained at length the real purpose of this Bill. I am now reading clause 3 for some other purpose. It provides that the entire estate shall stand transferred to the Government and vest in them free of encumbrances and that ‘ the ryots in the estate and persons holding under them shall, as against the Government be entitled only to such rights and privileges as are recognized or conferred on them by or under this Act.’ Now, I ask why should property be vested in the Government? Very often when we use the language ‘ proprietor of the soil ’ as the owner of the land, we forget that interest in the land may be created in many persons. The Transfer of Property Act deals with transfer of interest in immovable property. The Government have always had interest in land. Except in Malabar, all over this country, the Government had rights to impose assessment on land. In Malabar there was no land tax; the kings there were living out of the revenues they got from customs. It was the Britisher who introduced the land tax in Malabar and the previous Governments exercised no right in collecting taxes from land during the pre-British period. But in other parts of India it was not so. The Government, whether it was Hindu or Muslim exercised the right to collect assessment from the land. The Government are the ultimate owner of the land. They are entitled to collect revenue and they get the lands by escheat if there are no heirs. There is no need to worry about terminologies: the Government have an interest in the land and that interest is to collect revenue. You might say that the Government is the ultimate proprietor of the land. That is all mere phraseology. The assessment for the land is collected from a particular individual and for the sake of convenience the Government call him the owner or proprietor of the land. But this is only for assessment. That owner or proprietor might have created occupancy rights. The Law might have created occupancy rights. The Act of 1908 created occupancy rights in the ryot. It cannot be said that the ryot has no interest in the land. He is also the part-owner of the land. The Government of this Province who have succeeded to the rights and privileges of the former Governments, have a right to impose an assessment. Why should they purchase the rights of anybody? The Bill itself says that the Government propose to give ryotwari patta to the ryots and the landholders. Why then should the Government purchase the rights of the zamindars? That is a point which I cannot understand. After giving full consideration to the question, I have come to the conclusion that the proposal to purchase the rights of the zamindars or the landholders and vest them in the Government is motivated with the object of helping the landholders and the intermediaries. That is the only object. The Government could have very well said: ‘ Let ryotwari pattas be issued to the landholders

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and the ryots and where there are ryots let them be issued to the ryots.' Instead of providing like that, the Government in clause 3 of the Bill have provided for the lands to vest in the Government. The lands are already vested in the Government. What is the object of vesting the lands in the Government? It is for the purpose of depleting the revenues of the Province by getting an excuse to pay compensation to the zamindars from the public revenues. I have asked a question, a question which my party authorized me to put to the Hon. Minister, as to who are those who will be benefited by this Bill. The Hon. Minister said that the ryots would be benefited. I asked him why those who are benefited should not pay compensation. The blatant answer, an answer which I was shocked to get from a responsible Minister of the Government, was this: 'For 100 years these people to whom we are now giving ryotwari pattas have been rack-rented by the zamindars and the inamdars. We do not want to ask them to pay compensation; the ordinary tax-payer must pay the compensation.' Sir, the Hon. Minister does not understand the implication of that answer. Assuming for argument's sake that the ryots have been rack-rented by the zamindars for the last 100 years, why should you pay compensation to those who have been rack-renting the ryots?"

THE HON. SRI KALA VENKATA RAO :—“ It is because of you lawyers.”

* DR. V. K. JOHN :—“ There is a contradiction in idea. The man who has been rack-rented need not pay compensation, but why should the tax-payer pay compensation? Now, Sir, who is the man who rack-rented and whom did he rack-rent? For the last 100 years was there one man alive to rack-rent and another man alive to be rack-rented all the time? Properties have changed hands. You can very well reduce rents and you have already passed an Act to reduce rents. You want to pay the rack-renter compensation. But whoever is benefited, let him pay the compensation and not the general tax-payer.”

Sir, you will find from the statement of collections of land revenue for 1942-43—which, as my hon. Friend Mr. Suryanarayana Rao pointed out, saw the light of day in 1948—the total estimated revenue realized by the zamindars in fasli 1352 was Rs. 2,07,91,395 and the total peshkush was Rs. 47,38,336. The zamindars should have collected only about double this Rs. 47 lakhs or about Rs. 100 lakhs instead of Rs. 200 lakhs. The Government also estimate the revenue from these lands to be about Rs. 100 lakhs after the ryotwari system is introduced. After deducting the collection expenses and the interest on the capital invested in purchasing these rights, practically nothing will be left. It is waste of public money. Year after year we have to spend the tax-payer's money in giving effect to the Bill. After deducting the peshkush the zamindars are now getting about Rs. 150 lakhs. Multiplied at least by 20 or 25 the amount of compensation will come to Rs. 40 crores. But the zamindars will be getting only about Rs. 12 crores. They are

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expropriated. I advisedly use the word. The tax-payer also is expropriated, because if the tax I pay is wasted, it is expropriation. Therefore what this Bill does is wasting public revenues and expropriating private property to benefit the intermediaries. It is the intermediary who is benefited by this Government. I can easily understand why it is so; it is the drawback of all democratic forms of Government. The Government try to please the people who put them in power. When the Labour Party is in power the Labour Government tries to nationalize industries and help the poor people at the expense of the capitalists. When the Conservative or the Capitalist party is in power, they do just the opposite. But, Sir, there must be some restraint. The Houses of the Legislature are constituted not by the representatives of the actual tillers of the soil. The majority also are not representatives of the zamindars and other landholders. Many of them are intermediaries. In the discussion of this Bill in the lower House, many members felt that the actual cultivator was ignored. Even an hon. Member like Mr. N. S. Varadachari spoke as follows:—

Sir, I have one word in conclusion about these pattadars. I have no mistake in my mind that we are giving pattas to cultivators; some of these pattadars may be cultivators and even if they are cultivators, perhaps they cultivate only a very small portion of the land and others who may get patta will be middlemen. I am not one of those who wish to eliminate middlemen in a hurry and let not such ruinous doctrines prevail in this country. If we want to proceed with caution and yet with daring and with our eyes to the objective, it requires a certain amount of circumspection, a certain amount of propaganda, to put through the arrangement by which we can ultimately hand over the land to the actual cultivator. The Hon. Minister will find difficulties in defining absentee landlords. The Hon. Minister and myself, speaking as I do here, are both absentee landlords but we do not propose to get eliminated immediately on that account. At any rate, I do not. Perhaps the Hon. Minister may choose to do so. (Assembly Debates, dated 9th September 1948, pages 847-848)

Even a person like Mr. Varadachari, a person of his reputation had to admit that the middlemen ought not to be eliminated. He himself is a middleman, a class of people whose interests are protected by this Bill. That is the most objectionable feature of the legislation. They want to camouflage the real object of the Bill which is to protect the middlemen by eliminating the zamindars and the inamdars. They want to protect them further by not making them pay the zamindars and the inamdars who are eliminated but by making the public revenues pay. The Hon. Minister admitted yesterday in answer to my question that the middlemen will be benefited. Why should they not be asked to pay and why should the tax-payer be asked to pay?

THE HON. SRI KALA VENKATA RAO:—"Is there any other tax-payer except these people who are called middlemen and who pay the taxes?"

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DR. V. K. JOHN :—“ Do not the Government of Madras get a share of the income-tax? It was reported that we would be getting 18 per cent and that we had asked for 19 per cent. What is the revenue collected out of these middlemen and how does it stand in comparison with the total revenues of the Province? Therefore what I ask is, why should not the men who are to be benefited by this Bill, if passed into Law, be asked to pay compensation; why should it be done from public revenues; why should Government take over possession; why should they, as was said by the hon. Member who spoke before me, forcibly take possession of estates? Sir, Government have already got the right over the estates. Otherwise how do they levy land revenue. So why should they vest lands in themselves first? Sir, this is all done for the purpose of paying the inamdar out of public revenues; for they want some excuse for paying. I ask, what is the property which is going to be vested in the Government under this Bill? Have not the Government power to impose assessment on every bit of land in this Province by virtue of the fact they are the Government. When they can collect revenue, why should property be vested in them? As I said, it is only for the purpose of supplying an excuse for paying out of public revenue money to the intermediary. This, Sir, is an atrocious piece of legislation depleting revenue to the tune of crores of rupees, brought in for the purpose of helping the intermediary and not the actual cultivator. So I say, members of this House must take a very high responsibility in passing this Bill. If the Government will show consideration to the interests of the public, they must dismiss their whip for the purpose of this Bill, and there must be an open vote; and every member should be allowed to vote according to his wishes and not according to party discipline, because it touches the revenues of the Government to the tune of crores of rupees; and therefore I submit if this Bill is passed into Law it will have disastrous consequences, and so I ask the Hon. Revenue Minister now to clear his mind of the clouds that have been created by the intermediaries and influential ryots for the last so many years. Let him withdraw this Bill and introduce a comprehensive Bill. Sir, I shall take up only a few minutes more, and in that period I shall explain the scheme of agrarian reform worked out in some other countries, reforms which promoted the interests of the actual cultivator and the labourer who is engaged in the tilling of the soil. Sir, the Hon. Minister made a distinction between tenure reform and tenancy reform. He said, ‘ this is a tenure reform and not tenancy reform.’ Sir, this is a distinction without difference, which is not understood in economics or in law. After all the basis of tenancy reform is tenure reform and tenancy is a tenure. He ought not to have been influenced by expediency, by agitation of intermediaries and by political considerations. He should have been influenced by sound economic principles, and he should have introduced a Bill which would have made the actual tiller the owner of the land by paying adequate compensation for everybody whom he displaced. Such a bill was introduced in several countries in the West. As a matter

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of fact I have read 68 volumes of reports of British Ambassadors in various parts of the world, kept in the British Museum, one of the biggest libraries in the world. Those ambassadors were asked to report about the tenures in the various countries they were in, and one such report which has been followed up is the reform suggested by two German Professors in 1811 for making the actual cultivator the owner of the soil. In 1811 the condition of the tenants in Germany was very difficult. Most of the land was owned by very big landlords who did not cultivate the land. The German Emperor sent for his professors and experts in agrarian reform and they evolved a scheme, under which they found that if a tenant is to pay a fair rent of one hundred marks—and I will put it as rupees here for the sake of convenience—twenty rupees he has to pay as tax to Government and the landed proprietor had to pay Rs. 20 as collection charges and remission. I challenge any landlord in the province to say whether he gets 80 per cent as rent. No, he gets less. Now the German professors said, 'give the tenant the option—I draw attention to the word "option"—to purchase all the rights of the proprietors above him, the intermediaries, the ultimate proprietor, etc., all except that of the Government.' It is quite open to him to exercise the option or not to exercise the option. When he exercises the option, collect from him Rs. 20 to be paid to the Government, Rs. 60 to be paid to the landlord, that is, intermediaries included, because Rs. 100 is the fair rent which the cultivating tenant has to pay, Rs. 15 to be paid to the annuity fund and Rs. 5 as collection charges. And if this Rs. 15 is invested at compound interest for thirty years it will bring Rs. 1,500. Now the cultivating tenant was asked to give a bond to the landlord for a multiple of that Rs. 60. Multiply that by twenty—I am only giving a figure now; it may be multiplied by twenty or twenty-five or thirty. Multiplied by twenty, you get Rs. 1,200. The cultivating tenant gives bonds to the proprietors and intermediaries for Rs. 1,200. Every year he pays the annuity sum to a co-operative society and that society guarantees the payment of the bond. The professors also suggested that the Government also might guarantee this bond. At first the bond was $47\frac{1}{2}$ years, but 99 per cent of the cultivators paid off the entire money in ten years' time, because they had the option to pay it off in the entire period or earlier. Agriculture like industry is a human problem; there is profit motive in it. In ten years the cultivating tenants produced thrice the original output. When you put into the man the psychological feeling that he would become the proprietor of the land by paying less than what he is liable to pay as rent he will produce as much as possible. Now what was the advantage in this? No man was expropriated. Every proprietor got the value of his land, nay more for the bond, because of the guarantee, when sold in the market fetched a larger amount than the face value. The actual cultivator became the owner of the land! This scheme gave an advantage to the community as a whole. Every co-operative society was filled with millions of marks, not inflated currency. The whole German prosperity in the last century was due to this agrarian

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reform. The whole German land was valued, as it were, and paid in cash into co-operative societies. Nobody was expropriated. Every cultivating tenant exercised his option. Sir, this is not a visionary thing. This scheme which was worked in Germany was copied in Egypt and in several other countries. Could we not copy that down here in this Province and make the actual cultivator of the soil the proprietor of the land. Now, this is the idea which the High Command had when it passed the resolution in 1945 and when the Working Committee pointed out that such reform involved removal of all intermediaries between the peasant and the State and that the rights of the intermediaries should be acquired by payment of equitable compensation. Now, I ask, why not such a scheme be worked here? Every small amount invested in annuities would have found the money for compensation.

3-45 p.m. "He would have produced three times more from the land and solved the food problem for my hon. Friend here, the Leader of the House. Instead of doing that by a simple piece of legislation and trying to help the actual cultivator of the soil and giving him the option and asking him to pay, because he is benefited, and filling every co-operative society in this Province with millions of rupees which will find its way for investment in the improvement of agriculture and industry—instead of doing this by a simple method, a method adopted in other parts of the country—the Hon. Minister has now come forward with a Bill to deplete the public revenues."

THE HON. SRI KALA VENKATA RAO :—"Recently it was proposed in Bengal and directly it was overruled by the High Command."

* DR. V. K. JOHN :—"I am quite sure, Sir, it could not have been, because if to-day France is not Communistic, it is due to the fact, that on account of a similar reform there are 5 million owner-cultivators in that country, people owning 1 to 2 acres, and they are not willing to surrender that to the Government. Otherwise as you know, as the French people are an emotional people Communism should have found its place first in France. On the other hand in Russia it was different and therefore all the land was taken away from the big proprietors and given to the cultivators. Now, Sir, this is what they should have done here by bringing in a Bill to create an independent peasantry cultivating its own land and they should have given an adequate compensation, even a solatium to all persons who own the land including the intermediaries, raising the revenue if they want and fixing a minimum wage for the agricultural labourer and distributing to the agricultural labourer all the waste uncultivated and cultivable land and also providing for him the necessary finance for cultivation instead of wasting this Rs. 12 crores plus Rs. 5 crores, on the whole, Rs. 17 crores and also incurring an expenditure of Rs. 15 lakhs or more every year for the purpose of creating and entrenching a new class of proprietors and intermediaries who rack rent the poor cultivator. Sir, I charge this Government with neglect of the welfare of the

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cultivator and the agricultural labourer, that is with the neglect of the interests of the common man. Here they are bringing a legislation to assist those who are their voters, those who had put them in power, the intermediaries who are influential people. Sir, I cannot be a party to this legislation and I ask the hon. Members of this House: 'Would you be a party to this legislation, which as I said, is fraught with so many evil consequences and disastrous results?' I am hoping, Sir, although it may be a vain hope, that the Hon. Minister when he goes home will think over these matters and drop this Bill and bring in a comprehensive legislation without tinkering with the problem in the manner in which they are doing. They should bring in a comprehensive Bill and solve the agrarian problem in this Province. I hope, Sir, and it may be a vain hope, when the Hon. Minister returns home, he will ponder over this and withdraw this Bill. If he does not, I am entrenching my hope in the High Command and in the Central Government to see that this Bill will never go into the Statute Book and will never be put into operation.

'They are going to have Settlement Officers, Managers, Directors and others and with regard to everything they do not want the Public Service Commission or the civil courts in the land. Everything is vested in the Government. All power is concentrated in them. Now we have a democracy, Sir, where the judiciary is not trusted. The will of the men in power, the will of the Ministers is the highest court in the land. To-day we have such a democracy and I protest against such concentration of power. Step by step and steadily and surely this Government have during the last two years been ousting the jurisdiction of the courts and concentrating in their own hands all powers. This Bill will give them power not only for distribution of patronage and appointments, but also for the distribution of land. There is a Public Service Commission appointed in this Province, but they have gone on a holiday. They cannot function, because the Government are expropriating for themselves all the powers vested in the Public Service Commission. And now rule-making power is also asked for under this Bill. By that they are trying to oust the jurisdiction of the Legislature. Is it not better that the legislature is closed and autocratic powers are given to the Members of this popular Government—this National Government? Is it not the case that their time is being wasted, and our time is being wasted in discussing Bills with disastrous consequences for the cultivator, the tax-payer and everybody other than the intermediaries when they have a majority to get any Bill to go through?'

* SRI P. VEERABHADRASWAMI:—“Mr. Deputy President, Sir, for the last 1½ centuries the tenants in the zamindari areas have been suffering from many hardships. Some of them have been paying high rents and many of them are obliged not to raise sufficient quantities of foodgrains due to want of supply of water and due to the neglect and disrepair of water-sources. Some of them

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have been driven to courts for rents even when the crops failed. The troubles suffered by the lakhs of tenants are going to be ended in a very short time. The Hon. Minister for Revenue very boldly and very persistently has been trying to push through this legislation in both the Houses and his attempts are going to be crowned with success. We have to congratulate him for the bold step and for fulfilling the pledge of the Congress, a very important pledge which the Congress has given in its election manifesto.

"There is a strong criticism from many people, Sir, especially from the side of the tenants that no compensation should be paid to the landlord. But as our top-ranking Congress leaders have said, if no compensation is paid it may amount to confiscation of property. Our Hon. Minister has followed a more or less via media policy. The compensation that is to be paid is reasonable to some extent. The zamindars themselves are satisfied with the compensation that will be paid to them and some of them are anxious to have the compensation paid to them in cash. Sir, the land revenue system in the Province has many irregularities. It is one way in the ryotwari areas, it is another way in inam areas and it is a different way in the zamindari areas. Therefore, it is but right that there should be a uniform land tenure. By reducing the rents in the zamindari areas to the level of the ryotwari areas a serious attempt has been made and that has been applauded by the people at large. Lakhs of tenants will be grateful to this House and to the Lower House for having pushed through this legislation and for having ended their troubles. Sir, justice has been done to all maintenance-holders also and provision has been made that they also should be paid their dues.

"The tribunal that is to be appointed under this Bill will go into the whole question regarding the disputes between the tenants and the landlords and between the landlords and the maintenance-holders. And there will be justice meted out to all the parties and there will be no question about the bona fides of these tribunals. The landlords who will get the money by way of compensation will do well now to start cottage industries and small-scale industries and medium-scale industries and thus help the country to have more industries and absorb a large number of people in them; by this they will not only help in the growth of the various industries in the country but they will also help in the economic equalization which is one of the aims of the Congress.

"Sir, one more point which I would like to stress is this. Even when the zamindars are deprived of their lands, not all their lands because they will be allowed to have their private lands, some of them will have a very decent income and they will be in as good a position as one of the big industrialists are in the Province. So, Sir, I welcome this measure and request the hon. Members of the House to see that the Bill is passed as early as possible, so that we may earn the gratitude of lakhs of zamindari ryots."

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* SRI A. GOVINDACHARYULU :—“ Mr. Deputy President, Sir, I had no mind to take part in this post-mortem discussion of this Bill, because our Hon. Premier the other day gave an interview to the ‘ Madras Mail ’ saying that this Bill will not become law and that even if it becomes law, it will not be put into operation due to certain circumstances. It was published in the ‘ Madras Mail ’ some days back. So practically, as one of the hon. Members pointed out already, all this discussion is a waste of time and the spending of so much of energy. I wish very much that the labours of my learned Friend, the Hon. Mr. Kala Venkata Rao . . . ”

THE HON. SRI KALA VENKATA RAO :—“ Neither of us is a lawyer, Sir, and so there is no necessity for addressing me as ‘ learned Friend ’.”

* SRI A. GOVINDACHARYULU :—“ Sir, having identified myself with one part of this Bill, namely, with regard to the question of inams, I had no alternative but to speak now and express myself in clear terms with regard to certain clauses of the Bill, which have been brought in consciously or unconsciously without the knowledge of some of us who were in the Select Committee and who are in the Congress Party itself.

“ I do not know, Sir, what I can say with regard to our actual ^{4 p m.} position in this House. Of course, on the various clauses of the Bill we can also move amendments. I am sorry that our leader Dr. Rajan may not permit us to vote as we like. We are under party discipline and we have to vote on the amendments in a particular way and not according to our conscience or in the way we think right and proper. Anyway we have freedom to express our opinions. In the hope that the justice of the cause I advocate will ultimately prevail, I wish to make a few remarks.

“ First of all, the very approach to this problem is fundamentally wrong. I have been for the abolition of zamindaris from the very beginning. My friend Mr. Kala Venkata Rao knows very well that at no time during the thirty years of our public life we had occasion to fall out with each other. But I have to differ from him on this Bill, especially with regard to inams. Yesterday he said that this Bill was effecting a tenure reform. My view is that he is entirely wrong in saying so. What is wanted is not tenure reform or tenancy reform; it is economic reform that is wanted. The great grandfathers of the present-day zamindars, inamdars or under-tenure-holders entered into some arrangement, took over some land and cultivated it. According to the Hon. Revenue Minister, for the sins of their great-grandfathers the present-day zamindars and others ought to be penalized, their lands confiscated and a small compensation, which has been manœuvred with all possible skill, paid to escape constitutional difficulties. If we want to abolish zamindaris, we can very well do it without adversely affecting any party whatsoever, and without spending from the public exchequer to benefit some people at the cost of others. For

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conferring a benefit on the zamindari and inam tenants, the Government are confiscating the lands of the zamindars and inamdars and compensating them from the public exchequer which consists also of the taxes paid by ryotwari tenants. After all, it is the duty of the Government to protect the interests of all, whether they are zamindari, inam or ryotwari tenants, without any distinction. Under this Bill, the parties concerned are the Government on the one side and the zamindars and inamdars on the other. Why should the taxes paid by the ryotwari tenants be spent on an object which does not benefit them but benefits only the tenants in the estates who have already had the benefit of reduced rent under the Rent Reduction Act? Why should the Government pay compensation to the tune of Rs. 17.15 crores approximately from the public exchequer and that too in these days of inflation? If the Government had taken over the management and appointed managers under the Rent Reduction Act, the zamindars would have automatically surrendered the estates. I am not pleading for the zamindars and I am for the abolition of zamindaris."

THE HON. SRI KALA VENKATA RAO :—" Does the hon. Member suggest that no compensation need be paid at all? "

SRI A. GOVINDACHARYULU :—" There is need for payment of compensation. But there is no need for spending Government finance unnecessarily at this time when the financial position is not satisfactory and when inflation is rampant in the country."

THE HON. SRI KALA VENKATA RAO :—" I would like to tell my hon. Friend that, if at all we want to pay, this is the best time to pay because the value of what we pay is less due to inflation. He is an economist and he must have realized this aspect."

SRI A. GOVINDACHARYULU :—" I am not for confiscation of anybody's property or against the payment of compensation. When and how to pay is the question. The Hon. Revenue Minister says that this is the best time. But I say it is not so. It is a question involving principles of public finance and currency inflation. An examination of the question will take a good deal of time. For the present I will leave aside that point and confine myself to the main question. Whether one is a zamindar, inamdar, under-tenure holder, mokhasadar or by whatever name he is known, he should not be deprived of the lands in his possession except on broad economic principles. The maximum holding of an individual may be limited to a specified number of acres and he may be asked to give the surplus to the landless. Because once upon a time his great-grandfather entered into a certain land tenure system, that the present-day proprietor of an estate should be deprived of his holdings is unjustified. According to my statistics, even among zamindars there are poor people. If this Bill is passed into law, they will be thrown out into the streets, and become beggars under the compensation manœuvred by the sliding scale provided in the Bill. (Dr. V. K. John : ' Such zamindars may join the ex-toddy

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tappers!') As I said, the approach to the problem itself is fundamentally wrong. The approach should be on an economic and not on a land tenure basis.

"When this Bill is applied to inamdars, the magnitude of the sin we have committed (The Hon. Sri Kala Venkata Rao: 'Will be upon our heads.') will be upon your head especially. I am not willing to be a party to this sin."

DR. V. K. JOHN :—"Is the hon. Member going to vote with us?"

SRI A. GOVINDACHARYULU :—"As a matter of fact, I am not going to vote with you. If I were free, I will vote for the exclusion of all inams from the scope of this Bill. I have been approaching my friend, the Hon. Revenue Minister, with bended knees and requesting him to exclude inams altogether from the scope of this Bill."

DR. V. K. JOHN :—"Does it not amount to suppression of conscience of a member of the House?"

SRI A. GOVINDACHARYULU :—"Please leave that to me."

THE HON. DR. T. S. S. RAJAN :—"Will the hon. Leader of the Opposition find out where the gentleman's conscience is?"

SRI A. GOVINDACHARYULU :—"But, Sir, I could not convince the Hon. Minister. I could not induce him to accept even minor amendinents. Several clauses for which I fought against in the Select Committee and which the Hon. Minister did not accept are still found in the Bill. I thought that the compromise about excluding all the 1936 inams would be kept up. But to my surprise I find that it has not been kept up. The other day my friend, the Hon. Revenue Minister, said that it was his view that in all inams only melvaram was granted. With that pre-conceived notion, he sponsors this steam-roller legislation affecting all inams. If he starts with that pre-conceived notion, without proper consideration and without regard to the views expressed by members like me, how can justice be done to the class of poor inamdars? There are what are called 'Dowls' wherein the number of ploughs, cattle, the extent of cultivated land, etc., in inams are given for 1802 and for a number of years before and after that year. If the cases of a few inams are examined with reference to the information given in the 'Dowl', the real position will be known. Nobody on the face of the earth can say that only one waram was granted in certain inams and not both warams. To-day unfortunately we are afraid of doing cultivation. We cannot handle a plough. Our forefathers were not so bad. They handled the plough and did the cultivation themselves. I have myself seen my grandfather, who was a scholar in Sastras, ploughing the fields. While ploughing, he used to teach Artha Sastra, Nyaya

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Sastra and Mimamsa. Perhaps my Friend, Mr. Kala Venkata Rao, also hails from such a family of scholars. (The Hon. Sri Kala Venkata Rao : 'My surname itself shows that.') But he has forgotten his forefathers. We have forgotten the great scholarship, the great traditions and the noble character of our ancestors. They lived and died to maintain those traditions and for that purpose they accepted inams. (Interruption.) 'Let me also die' . . . (The Hon. Dr. T. S. S. Rajan : 'Sir, let him not die in the Council Hall.')

"I am saying all these things because we agreed to certain propositions and arrived at certain decisions. Why has the Hon. Revenue Minister manoeuvred to bring in clauses, which were not discussed in the Select Committee or in the party meeting, and want us to vote for them?

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"Sir, I say we are not boys to accept whatever the Hon. Minister for Revenue says in respect of these inams. In many inams both the warams were granted. But the Hon. Minister's views seems to be otherwise. Therefore, what I say is that such being the character of the inams, they should not have been included within the purview of this Bill. Yesterday, while replying to my hon. Friend, Leader of the Opposition, Dr. John, the Hon. Minister for Revenue explained how he arrived at the date 1st July 1945 in clause 13 (b) (ii) of the Bill. (Interruption.)

"Sir, clause 13 (b) (ii) deals with lands in inam estates in which the landholder is entitled to ryotwari patta. In that clause he has put in the date 1st July 1945. Yesterday the Hon. Minister for Land Revenue made a statement why he attached so much sanctity to that date. Sir, I opposed this date in the Select Committee both in private and in public and I pleaded with some of my friends with the Hon. Minister that it is not correct or proper to fix a date like that. (Interruption.) Sir, I must say that the Hon. Minister was most uncharitable in this matter and he was quite unjustified in having introduced that date in that clause."

DR. V. K. JOHN :—"Why in private, Sir?"

SRI A. GOVINDACHARYULU :—"Because both my Hon. Friend the Revenue Minister and myself belong to the same party and also because we are friends. I did my best at that time to persuade him to change his mind and therefore I had to plead with him in private also. But he was adamant and would not change.

"Sir, he said that according to the Congress election manifesto, the date should be 1st July 1945, because it was then that the Congress decided that the intermediaries should be removed. That was the reason, Sir, which he stated yesterday for putting in that date in clause 13 (b) (ii) of this Bill. I am very sorry to state that my Hon. Friend the Revenue Minister has forgotten the instructions given by the Congress High Command. There it was clearly and unequivocally stated by the Congress High Command

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that the question of inams should not be touched at all. The inclusion of inams never came to their minds at that time and in their view, the inams did not form part of the estates. They never thought that the inamdars were intermediaries and when they decided that intermediaries should be abolished, they had never in their mind the question of the inamdars or that inams should be included under the proposed legislation. Sir, I submit that particularly religious, charitable and educational inams should not be treated on a par with other inams or estates and I am sure I am correct when I say that the preamble to the instructions given by the Congress High Command which were read by the Hon. Minister for Revenue in our Party meeting were very clear on the subject of the inclusion of inams under this Bill."

THE HON. SRI KALA VENKATA RAO :—" You are absolutely wrong."

SRI A. GOVINDACHARYULU :—" I challenge him, Sir, to place the instructions of the High Command on the table of the House. If I am wrong, I shall resign my seat from this Council and go away. Will he accept the challenge and be good enough to read them again in this House, if what he says is correct?"

DR. V. K. JOHN :—" Will there be a dual on this point also here, Sir?"

SRI A. GOVINDACHARYULU :—" Sir, I again challenge him to place the instructions before the House and if I err on that score, I will simply give my resignation of my membership in this Council and go away."

THE HON. SRI KALA VENKATA RAO :—" The House will not perhaps be poor for it, Sir."

SRI A. GOVINDACHARYULU :—" Sir, even if the Hon. Minister for Revenue resigns, the House will not be worse for it. There is no point, therefore, in making a statement like that." (Interruption.)

DEPUTY PRESIDENT :—" Order, order. The hon. Member should not throw out challenges in the House. Let him proceed with his speech on the Bill."

DR. V. K. JOHN :—" Sir, the Opposition cannot afford to lose a member of such type from this House." (Laughter.)

DEPUTY PRESIDENT :—" May I know how many minutes more is the hon. Member going to take to finish his speech?"

* SRI A. GOVINDACHARYULU :—" Sir, I shall require some more time to explain my point of view on this Bill. This is a very important Bill and this is a very serious matter. If any time-limit is going to be fixed for speeches by members, then I would be very sorry that we would not be able to do full justice to

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what we have got to say on this Bill. I would therefore request you, Sir, to allow me as much time as I may require to explain my views on this subject.

“ Sir, I must say that I come from a district in which there are 200 inam villages and I represent that district in this House. I come here as a representative of at least two-thirds of the inamdars of my constituency and I will not be doing full justice, if I fail to express their views on this Bill, which vitally affects them.”

DEPUTY PRESIDENT :—“ They are now exempt from this Bill.”

* SRI A. GOVINDACHARYULU :—“ Not all of them have been exempted, Sir. What I wish to say is that the Congress High Command which is the highest authority to interpret the Congress election manifesto,—because it is they that issued that manifesto—have interpreted it in one way, and now the Hon. Minister for Revenue cannot give a different interpretation altogether and say that the inamdars are also intermediaries and they should also be removed. I therefore submit, Sir, that the date of 1945 should not be brought in in clause 13 (b) of this Bill. What are the legal consequence of it? They are still worse. What will become of those lands? Up till this moment the Government have not told the people that they should not purchase or sell lands in any of the zamin or inam areas. Any man, whether he be a zamindar or an under-tenure holder, or an inamdar of 1908 or an inamdar of 1936, whosoever he might be, was entitled to purchase or sell lands under any of the tenures. Neither the Government of India nor the Provincial Government, nor any of the laws passed by the Government hitherto have ever said that purchase or sale of lands should not be effected by a ryot, or by an inamdar or by any man, and that is why there have been so many purchases made and so many sales effected in these inam villages. But now under this Bill what do we see? If anybody purchased any of these lands after the 1st July 1945, he will have no right to get a patta, although such lands are under his own cultivation or cultivated by his servants or by hired labour or by hired stock in the ordinary course of husbandry continuously from that date, without any interruption. What will become of those lands? Will they be taken charge of by the Government? They will not be given to the ryots, because they were sold away. They will not be given to the landholder or the inamdar, because he has purchased it after 1st July 1945. Will they be in the hands of the Collector of the district, or in the hands of the Hon. Minister for Revenue to distribute them as he likes? ”

THE HON. SRI KALA VENKATA RAO :—“ They will vest with the Government.”

* SRI A. GOVINDACHARYULU :—“ The Hon. Minister says that they will vest with the Government. Would it then be a good law? Would not such a course of action set at naught all

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sanctity for law? The inamdars were never given to understand that these inams would be included in this Zamindari Abolition Bill at all. In the Prakasam Committee Report they were clearly excluded. My Hon. Friend Mr. Kala Venkata Rao was then a member of the Assembly and he strongly supported the Prakasam Committee's Report in the Lower House in 1938 and even to-day he has been saying that he has adopted all the main recommendations of the Prakasam Committee's Report although there may be some differences in the language of the Bill. Perhaps I may not agree, and I am sure, many will not agree that this embodies all the recommendations of the Prakasam Committee's Report. That report was placed before the Legislative Assembly in 1938 and it was discussed at great length and the whole Assembly approved it and accepted the principles involved therein. That means that the Congress Government that was in power at that time under the leadership of Rajaji, as Premier, had adopted that Report, and accepted the policy enunciated in that Report, namely, the exclusion of all inams from the purview of the Zamindari Abolition Legislation. That position was never contradicted by anybody up till now." (Interruption.)

AN HON. MEMBER :—" Perhaps, there was no collective responsibility then."

SRI A. GOVINDACHARYULU :—" Perhaps there might not have been so much collective responsibility as it is to-day. But whatever that may be, what I wish to say is that the Congress Party as a whole, the Congress Government as a whole and the Legislature of the Province as a whole accepted that Report in 1938. That means that they accepted the principle of the exclusion of inams from the purview of this legislation. That principle stands there even unto this day. Thereafter the Congress Government resigned and the Congress went into wilderness. But still that principle of the Congress and the stand taken up by the Congress Legislature at that time and the Resolution of the Madras Government of that date, stand valid up to this date. Even after our country has attained its independence and even after the present Congress Ministry took up office and the Hon. Mr. Karanth took charge of the portfolio of Land Revenue, a Bill abolishing the zamindaris was published excluding inams from its purview. That means that the view taken by the Congress Government in 1937 was confirmed by the present Congress Government of 1946. That means that the Congress as such has never departed from its original policy. But when did this present change in policy take place? Is it after 1947 when the personnel of the Members of the Treasury Bench changed for which I am also responsible? (Laughter.) (Interruption.) Sir, simply because the personnel of the present Ministry has changed, the whole policy of the Congress has to be changed and that too in a topsy-turvy manner!"

THE HON. SRI KALA VENKATA RAO :—" That will do good to all of us."

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* SRI A. GOVINDACHARYULU :—“ Perhaps not to us or to the inamdars at any rate. (Interruption.) Well, Sir, these inamdars who were always true to the Congress and stood by the side of the Congress Government and who were given to understand that they would not be touched, were all of a sudden taken up by their backs and killed by the present legislation of the present Congress Ministry.”

DR. V. K. JOHN :—“ The hon. Member himself is responsible for this.”

SRI A. GOVINDACHARYULU :—“ Sir, one may differ from the present Ministry in their politics or he may differ from them in their policies, but that should not affect the general welfare of the people in the country, nor should it bring the name of the Congress into disrepute or affect the Congress institutions as such, for which we, as representatives have striven all our lives to bring up and thrown away the precious part of our lives during the last 30 years and are still striving to bring up the name of the Congress. Are we to send away millions and millions of our countrymen out of the Congress fold simply because of the change in the policy of the present Congress Ministry? Who are these inamdars after all? It is they who form the bulk of the middle class people in this Province. They are the backbone of the Congress in this country. They have supported the Congress in all its activities and have struggled along with it in the attainment of independence for this country. Sir, I have been in public life ever since 1917 and joined the Congress movement in its struggles with the British Government ever since and I know that every middle classman and every inamdar in this country has contributed towards the success of the Congress in bringing about complete independence for India. Many of them have suffered imprisonment and spent the better part of their lives in jails. As far as the Andhra is concerned, I can say without fear of contradiction that almost all the inamdars and their families have suffered untold hardships and miseries, either in jails or outside for responding to the call of the Congress. After having spent the greater part of their lives in the service of the country, after having lost all their properties, these inamdars to-day are in a very pitiable position. If to-day, in 1948, we who are Congress leaders ourselves, who have induced them to join the Congress and suffer, if to-day we, who are members of the Legislature, who have been returned here by their votes, and the Congress Ministry which have come into power by their votes—by the votes of these inamdars—are to tell them that we are going to take away their one or two acres of land, which they still possess, and give them away to somebody else, under the plea of the Zamindari Abolition or the Inamdari Abolition Bill, to give them away to somebody who never knew anything about the Congress or heard the name of the Congress, but who sometimes have fought against the Congress also, do you think that these people will remain mute and meekly submit and approve your action? Certainly not.”

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DEPUTY PRESIDENT :—“ It is now 4-30 and so I now adjourn the House to meet again at 12 o'clock to-morrow when the hon. Member may continue his speech.”

V.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. Notification issued with G.O. No. 1563, L.A., dated 14th August 1948, excluding certain area from the limits of the Anantapur District Board.

2. Notification issued with G.O. No. 1758, L.A., dated 22nd September 1948, excluding certain area from the limits of the South Kanara District Board.

3. Note^a stating the position in regard to the payment of compensation for the land that would be submerged by the Tungabhadra Project [with reference to answer to the supplementary question to starred Question No. 191 (30) answered on 10th February 1947].



(iii) Total stocks of manures available for supply against 1948-49

	1947-48	1948-49	
(a) Green manure seeds	2,177	7,81,950	
(b) Super-phosphate	74	17,026	
Bonaccal	1,400	8,06,900	
Ammonium phosphate	1,254	3,76,902	
Ammonium sulphate	2,288	25,02,650	
(c) Chemical manures	2,288	25,02,650	
(d) Groundnut oil cake	21,252	22,69,000	
Total	67,84,212	67,84,212	or Rs. 87